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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/917,576	07/27/2001	Mike Krack	4366-37	1036
48500	7590	12/16/2004		
SHERIDAN ROSS P.C. 1560 BROADWAY, SUITE 1200 DENVER, CO 80202				EXAMINER GAUTHIER, GERALD
				ART UNIT 2645 PAPER NUMBER

DATE MAILED: 12/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/917,576	KRACK, MIKE	
	Examiner	Art Unit	
	Gerald Gauthier	2645	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 06 August 2004.
 2a) This action is FINAL. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-42 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 1-27,29-39,41 and 42 is/are rejected.
 7) Claim(s) 28 and 40 is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. **Claims 1, 3-9, 11-18, 20-27, 29-32, 34-39 and 41-42** are rejected under 35 U.S.C. 102(e) as being anticipated by Gupta et al. (US 2002/0090066 A1).

Regarding **claim 1**, Gupta discloses an interactive voice response system for a telecommunications system (¶ 0001), comprising:

an adjunct processor that outputs an output data stream to a user (¶ 0016) [The DTMF-controlled system 24 outputs information to the user 12]; and

a speech gateway enabling system (¶ 0016) [The speech server 14] comprising:
a speech recognition engine operable to identify words in an input voice stream received from the user on a first communication path extending between the user and the speech gateway enabling system (¶ 0020) [The speech recognition unit 26 receives

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input voice from the user 12 while the user is connected to the speech server 14 to identify the user profile for the user's voicemail box]; and

a speech gateway controller operable (a) to transfer at least a portion of the input voice stream received from the user from the first communication path to a second communication path extending between the speech gateway enabling system to the adjunct processor (¶ 0016) [The speech-to-DTMF tone application 16 prompts the user 12 to enter voice commands to locate the proper user's record and launch a telephone call to the associated DTMF-controlled system 24] and (b) to transfer the at least a portion of the input voice stream from the first communication path to the speech recognition engine for processing (¶ 0017) [The speech-to-DTMF tone application 16 stay on the call to monitor for predetermined voice prompts from the user 12 to transfer these prompts to the speech recognition 26].

Regarding **claim 3**, Gupta discloses the first and second communication paths are configured by a switching system and the speech gateway controller is further operable to generate and transmit a command signal to the adjunct processor based on words identified by the speech recognition engine (¶ 0017).

Regarding **claim 4**, Gupta discloses the speech enabling gateway system comprises grammar correlating a plurality of words with a corresponding plurality of DTMF codes in the command set of the adjunct processor (¶ 0016).

Regarding **claim 5**, Gupta discloses a plurality of communication ports and the first communication path extends between first and second communication ports of the switching system and the second communication path extends between different third and fourth communication ports of the switching system (¶ 0015).

Regarding **claim 6**, Gupta discloses the speech gateway controller performs operation (b) in a first operational mode and wherein the speech enabling gateway controller is also operable (c) to transfer at least a portion of the output data stream from the second communication path to the first communication path and (d), in a second operational mode, to transfer the at least a portion of the output data stream from the second communication path to the speech recognition engine for processing (¶ 0016).

Regarding **claim 7**, Gupta discloses all the limitations of **claim 7** as stated in **claim 1**'s rejection and furthermore discloses (d) comparing at least some of the detected words with a grammar, the grammar correlating a plurality of words with a corresponding plurality of command codes, to identify corresponding command codes for each of the at least some of the detected words (¶ 0021) [The speech recognition unit compares the user 12 voice commands based on the user's record and the vocabulary of the speech recognition unit to identify the DTMF tone to be transmitted]; and (e) transmitting a command signal corresponding to at least one identified command code to the second adjunct processor on the second communication path (¶

0022) [The speech-to-DTMF tone application 16 transmits the right DTMF tone in the look up table for the voice command inputted by the user 12].

Regarding **claims 8, 13, 31, 35, 41 and 42**, Gupta discloses the directing and transferring steps occur at least substantially simultaneously (¶ 0017).

Regarding **claims 9 and 18**, Gupta discloses the grammar further includes at least one switch symbol for at least one of enabling and disabling the directing step (a) (¶ 0024).

Regarding **claims 11, 20 and 34**, Gupta discloses (f) configuring the first communication path for a first communication session initiated by the user with the first adjunct processor (¶ 0016); and (g) thereafter configuring the second communication path for a second communication session, initiated by the first adjunct processor, between the first and second adjunct processors (¶ 0017).

Regarding **claims 12 and 21**, Gupta discloses (f) transferring an output data stream from the second communication path to the first communication path the output data stream being received from the second adjunct processor (¶ 0017).

Regarding **claims 14, 22 and 37**, Gupta discloses (f) muting the first communication path when the transmitting step (e) is performed (¶ 0017).

Regarding **claims 15, 23 and 38**, Gupta discloses (f) determining if the output from the speech recognition engine includes a switch symbol (¶ 0017); and (g) when the output includes a switch symbol, at least one of enabling or disabling the directing step (a) (¶ 0017).

Regarding **claims 16, 24 and 39**, Gupta discloses (f) determining if one of the first and second communication paths has been disconnected (¶ 0024); and (g) when one of the first and second communication paths has been disconnected, disconnecting the other of the first and second communication paths (¶ 0024).

Regarding **claim 17**, Gupta discloses all the limitations of **claim 17** as stated in **claim 7**'s rejection and furthermore discloses first and second adjunct processors (24 and 28 on FIG. 1).

Regarding **claim 25**, Gupta discloses the first operational mode is performed in response to a command signal from the user and the second operational mode is performed in response to a command signal from the adjunct processor (¶ 0016).

Regarding **claim 26**, Gupta discloses the speech gateway controller is operable to place the user on hold while the command codes are transmitted to the adjunct processor (¶ 0017).

Regarding **claim 27**, Gupta discloses wherein the plurality of command codes are DTMF codes and the command signal is a DTMF signal (¶ 0022).

Regarding **claim 29**, Gupta discloses all the limitations of **claim 29** as stated in **claim 7'** s rejection and furthermore discloses when the output data stream includes a command signal, terminating the directing step (¶ 0024) [The user's voice command is determined to be an exit command the system will hang up the call as requested by the user 12].

Regarding **claim 30**, Gupta discloses all the limitations of **claim 30** as stated in **claim 7'** s rejection.

Regarding **claim 32**, Gupta discloses the grammar further includes at least one switch symbol for at least one of enabling and disabling the directing steps (a) and (f) (¶ 0024).

Regarding **claim 36**, Gupta discloses wherein the directing step (a) and (f) occur at different times and the transferring steps (c) and (h) occur at least substantially simultaneously (¶ 0017).

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. **Claims 2, 10, 19 and 33** are rejected under 35 U.S.C. 103(a) as being unpatentable over Gupta in view of Nakashima (US 5,479,490).

Regarding **claims 2, 10, 19 and 33**, Gupta as applied to **claims 1, 7, 17 and 30** differs from **claims 2, 10, 19 and 33** in that it fails to disclose a speech digitizer that converts the input voice stream from analog to digital form and the first and second communication paths are trombone together.

However, Nakashima teaches the speech gateway enabling system comprises a speech digitizer that converts the input voice stream from analog to digital form and the first and second communication paths are trombone together (column 6, lines 17-30).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to use the speech gateway enabling system comprises a speech digitizer of Nakashima to modify the invention of Gupta.

The modification of the invention would offer the capability of the speech gateway enabling system comprises a speech digitizer such as the system would provided a remote control command by voice signals.

Allowable Subject Matter

4. **Claims 28 and 40** are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
5. The following is a statement of reasons for the indication of allowable subject matter: the prior art at this time fails to disclose the output data stream includes a switch symbol to perform a directing step and, the input voice stream includes a switch symbol to perform a directing step.

Response to Arguments

6. Applicant's arguments with respect to **claims 1-27, 29-39 and 41-42** have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gerald Gauthier whose telephone number is (703) 305-0981. The examiner can normally be reached on 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (703) 305-4895. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

GERALD GAUTHIER
PATENT EXAMINER

g.g.
December 7, 2004



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